

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JASON D ALSTON

PLAINTIFF

V.

CAUSE NO. 4:16CV00236-DMB-JMV

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

DEFENDANT

ORDER AMENDING ORDER [56]

Before the court is Plaintiff's motion [52] to compel initial disclosures. The court failed to address Plaintiff's reply brief in the original of this order because though it was timely filed, it was not docketed until after the original order was entered. Having now considered all submissions of the parties, the record, and the applicable law, the court rules as follows:

Plaintiff essentially argues defendant has failed to provide initial disclosures that comply with the requirements of FED.R.CIV.P. 26(a)—quite the contrary of defendant's assertion that Plaintiff's claim is no disclosures were provided. Plaintiff's motion is denied without prejudice because all discovery is currently stayed in this matter. And, Plaintiff provides no cause why this court should grant him relief from the prior Order [45] which stayed discovery. Once the stay is lifted, Plaintiff may re-urge the motion (if necessary). The undersigned notes it appears Plaintiff pointed out putative deficiencies in defendant's disclosures, from all appearances, for the first time in his reply brief. Plaintiff is advised that any new motion should include details of why the

disclosures fail to comply with the rule and also details of good faith attempts made, prior to the filing of the motion, to resolve the specified deficiencies.

SO ORDERED this 5th day of July, 2017.

/s/ Jane M. Virden
U. S. Magistrate Judge